

## REMARKS

### Summary

Claims 1-2 have been rewritten and Claims 3-9 added. No new matter has been added as a result of this amendment.

### Objection to Specification

In the Office Action, the Specification was objected to under 35 U.S.C. §132 as introducing new matter into the disclosure. More specifically, the Examiner objected to the sheet portion and the insulating member of the shield member and intermediate potential electrode form a capacitor, recited in Claim 1, as containing new matter. Applicant has rewritten Claim 1 and respectfully requests that the Examiner withdraw the objection in the next Office Action.

### Rejection of Claims

In the Office Action, Claims 1 and 2 were rejected under 35 U.S.C. §112, first paragraph as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, the Examiner stated that the definition and location of the term intermediate electrode are unclear as an intermediate electrode is not disclosed in the specification. Applicant has rewritten Claims 1 and 2 and submits that rewritten Claims 1 and 2 contain subject matter described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the Office Action, Claim 1 was rejected under 35 U.S.C. §102(a) as being anticipated by the prior art admitted in the instant disclosure. Applicant has rewritten Claims 1 and 2 and added Claims 3-9. Claim 1 recites, for example, that the power source comprises a protection circuit disposed on a portion of the top surface of the upper battery, a shield member that covers at least the protection switch such that the protection switch is shielded, and an insulating member provided between the shield member and the protection circuit. An extended portion of the insulating

member is extended onto the top surface of the upper battery and the shield member is extended onto an upper surface of the extended portion of the insulating member. The shield layer, the insulating member, and the negative electrode of the upper battery form a capacitor, thereby grounding the negative electrode of the upper battery through the capacitor at high frequencies.

None of the cited references anticipate or disclose these features.

Similarly, none of the cited references anticipate or disclose a power source similar to that of Claim 1, but in which an extended portion of the insulating member is extended onto a side surface of the upper battery, and the shield member is extended onto an upper surface of the extended portion of the insulating member, as recited in Claim 7.

Nor do any of the cited references anticipate or disclose a power source that further comprises an overcurrent detection terminal that measures a current that flows through the protection switch and a control terminal that generates a signal to turn off the protection switch, in which the shield member shields the voltage detection terminal, the overcurrent detection terminal, and the control terminal, as recited in Claim 2.

Nor do any of the cited references anticipate or disclose a power source in which the shield layer physically contacts a negative electrode terminal or, more specifically, in which this physical contact occurs on a side surface of the upper battery, as recited in Claims 3-6 and 8-9.

For at least this reason, neither Applicant's admitted prior art, nor any of the cited references, anticipate or disclose the arrangement of the pending claims. Thus, Claims 1-9 are patentable over the references cited by the Examiner.

## **Conclusion**

In view of the amendments and arguments above, Applicant respectfully submits that all of the pending claims are in condition for allowance and seeks an early allowance thereof. If for any reason the Examiner is unable to allow the application in the next Office Action and believes that a telephone interview would be

helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned agent or attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony P. Curtis', is written over a horizontal line.

Anthony P. Curtis, Ph.D.  
Registration No. 46,193  
Agent for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200